

**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**

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## **Advisory Committee Meeting Minutes**

**Meeting Date:** Thursday, May 15, 2008

**Location:** Sacramento, CA

### **Committee Members in Attendance**

Jon Sargent, California Alarm Association (CAA)  
Greg Jeffries, Security Guest Services/Fashion Fair (Proxy for Steve Reed)  
John Brueggeman, California Locksmiths Association (CLA)  
Jimmy Hunt, California Association of Licensed Repossessors (CALR)  
Stephen Marvin, Southern California Security Association (SCSA)  
Mark Miller, Calif. Assn. of Licensed Security Agencies, Guards & Associates (CALSAGA)  
Cathy Kester, Department of Justice (DOJ)  
Jim Diaz, California Institute for Professional Investigators (CIPI)  
Steve Leibrock, Sacramento County Sheriffs Department  
Nick Savala, California Association of Licensed Investigators (CALI)  
Steven Wachtel, Professional Investigators of California (PICA)  
Joe Valenzuela, Sacramento Police Department

### **Committee Members Absent**

Rodney Pierini, Public Member  
Steve Reed, Public Member

### **Department of Consumer Affairs, Executive Staff**

Carrie Lopez, Director  
Patricia Harris, Deputy Director  
Gary Duke, Legal Counsel  
Michael Santiago, Legal Counsel

### **Guest Speakers**

Shawn Cook, Deputy Attorney General, California Department of Justice  
Robert Smith, President and CEO, Nightclub Security Consultants / SB 666 Proprietary  
Private Security Advisory Committee Chairman  
Roy Rahn, Los Angeles Law Enforcement and Private Security Representative (LEAPS)

### **BSIS Staff in Attendance**

Paul M. Johnson, Chief  
Rick Fong, Deputy Chief  
Vicky Heibeck, Licensing Manager  
George Paddeck, Enforcement Manager  
Diana Cuccia, Review Unit Manager  
Rolando Taea, Outreach Coordinator  
Noreene DeKoning, Bureau Representative

Inez Cortez, Bureau Representative  
Mitch Kojima, Bureau Representative  
Jennifer Rosillo, Bureau Representative

### **Welcoming Remarks and Introductions**

Paul Johnson, Chief of the Bureau of Security and Investigative Services, called the meeting to order at 9:30 a.m. Joe Valenzuela led the committee in the Pledge of Allegiance. Chief Johnson then welcomed and thanked everyone for their attendance. Advisory committee members and Bureau staff introduced themselves.

Chief Johnson introduced Carrie Lopez, Director of Consumer Affairs. Ms. Lopez thanked the committee for their “needed, critical service.” She acknowledged the expanding industry and the continued need for input from the committee on regulation. Ms. Lopez informed the committee that a Department of Consumer Affairs’ Conference is being planned for November in Los Angeles. Ms. Lopez explained that the conference is an opportunity for Consumer Affairs to gather all their Board’s and Bureau’s Advisory Committees for meetings, workshops and instructional training. Each Board or Bureau is encouraged to interact with other entities that affect their industry, as well as consumers and consumer advocates associations.

### **Bureau Updates**

Chief Paul Johnson stated that the Bureau continues to be active with outreach visits, whether it’s with the industry or law enforcement. He encouraged use of the Bureau’s Web site stating, “It’s a fantastic tool for information.”

Deputy Chief Rick Fong informed the committee members that new examinations are going to be developed for each profession. Currently, the private investigator’s examination is in the process of being rewritten.

### **Unlicensed Activity**

Deputy Chief Fong addressed the Bureau’s partnership with the industry to suppress unlicensed activity. Deputy Chief Fong stated that each committee member knows their industry and the Bureau relies on their input and tips regarding unlicensed activity.

Jon Sargent, California Alarm Association, informed the committee of an exposé San Francisco’s KGO TV did on Firstline Security, a company based out of Utah. Firstline Security would recruit out-of-state college students to conduct door-to-door alarm sales in California during the summer. These students were not properly licensed. They were told to lie to California consumers in order to acquire as many contracts as possible. In an interview, Mr. Sargent stated that, when a salesperson is attempting to sell a home alarm system, the consumer should request to see company identification and a state issued alarm agent license.

John Brueggeman, California Locksmith Association, informed the committee of the abuse currently being seen in the locksmith industry. Mr. Brueggeman stated that some companies are placing ads on the internet and in the yellow pages to attract business. These companies offer a quick response time and solution. However, the individual who

shows up to fix the problem is oftentimes unlicensed and has not gone through a background check.

Director Carrie Lopez was very interested to hear the concerns of the different industries. She stated that California is looking at partnering with *Craigslist* to inform the public that certain industries require companies and their employees to have a state issued license.

### **SB 666-Proprietary Private Security Advisory Committee Update**

Robert Smith, President, CEO Nightclub Security Consultants and Chairman of the SB 666 Advisory Committee, informed the Committee that some basic core elements had been developed at the meeting of April 9, 2008. Mr. Smith stated that the sub-committee met in May and developed a 16 hour program to present to the rest of the committee at the SB 666 meeting in June.

### **Law Enforcement & Private Security Conference Update**

Roy Rahn informed the committee about the upcoming Law Enforcement and Private Security (LEAPS) Conference being held in Los Angeles on August 1, 2008. This is the ninth annual conference for LEAPS and it continues to build a bridge between law enforcement and private security. BSIS Chief Paul Johnson will be a speaker at the conference and encouraged all BSIS industries to attend and participate in the workshops.

### **Attorney General Update**

Shawn Cook, Deputy Attorney General, gave the committee an overview of his duties with regard to the Bureau. Mr. Cook explained the difference between a Statement of Issues, which is when the Bureau has refused to issue a license, and an Accusation, which is when the Bureau seeks to revoke a license. Mr. Cook also stated that the Attorney General's office can reject a case if it's not strong enough to pursue. Mr. Cook then went on to list the steps a case goes through if it is going to be brought before an Administrative Law Judge. First, the respondent is served with a Statement of Issues or an Accusation. The respondent must then file a Notice of Defense within 15 days. Once a hearing is scheduled, both sides will be given the opportunity to present their case. A proposed decision needs to be submitted within 30 days and a final decision follows. Mr. Cook concluded by stating a respondent/licensee had more appeal rights available to them if they were not satisfied with the outcome of the Administrative Hearing.

### **Committee Member Updates**

Steven Wachtel, Professional Investigators of California, stated that he has long supported legislation that would require employees of private investigators to be registered. He continued by stating that, under current regulations, certain individuals have "slipped through the cracks by working the system."

Jimmy Hunt, California Association of Licensed Repossessors (CALR), stated that he has encountered private investigators performing repossessions, and these individuals do not possess the necessary license required by the state. Thus, they are performing unlicensed activity. He asked the Bureau for assistance in this matter. Mr. Hunt concluded by stating in these troubled economic times the repossession business is booming.

Stephen Marvin, Southern California Security Association (SCSA), stated that the Personal Emergency Response System market is about to boom. Mr. Marvin informed the committee that these devices will be sold at retail stores, such as Walgreens and Wal-Mart. He stated that the device will contain a crisis situation button to dispatch police in the event of an emergency. He continued by stating that the system is designed for self installation; however, if not installed properly it will not work. Mr. Marvin questioned whether or not these devices fall under the jurisdiction of BSIS per Business and Professions Code 7590.1(n).

Jon Sargent, California Alarm Association (CAA), stated that the association continues to work with municipalities and law enforcement regarding false alarm ordinances. Mr. Sargent informed the committee of the situation taking place in Henderson, Nevada, which the California Alarm Association is watching. The fire department in Henderson will only respond to a fire alarm once it has been verified there is a legitimate need for a response. This ordinance applies to both homes and businesses. Mr. Sargent concluded his comments by letting the committee know California Alarm Association would have a booth at the Cop's West Conference held on October 7 and 8, 2008 in Ontario, California.

Mark Miller, California Association of Licensed Security Agencies, Guards & Associates (CALSAGA), informed the committee of his invitation to speak at the National Security Association of Security Companies. Mr. Miller stated that California was the only state asked to attend, and a whole segment of his speech was devoted to BSIS. Mr. Miller further stated he feels the Bureau is on the cutting edge of licensing and regulation of private patrol operators and security guards. This is because California has the most stringent licensing, training, and background checks in the nation. Mr. Miller also acknowledged the proprietary private security officer regulation, SB 666, as the first in the nation. Mr. Miller went on to address the meal period law and the problem it is causing within the industry. He stated how easy it is for an employee to bring a class action suit against his or her employer. He also stated that there are 12 pieces of proposed legislation that are currently trying to address this problem. Mr. Miller asked committee members to get involved in making sure this issue gets resolved.

Jim Diaz, California Institute for Professional Investigators (CIPI), asked the committee to review some of the language that is currently in the law. He would like to see a change in the language that would improve the image of the security industry, i.e. change private patrol operator to security company and security guard to security officer. Mr. Diaz also mentioned that he would like to see legislation that would require private investigators' employees to be registered with the Bureau and stated he felt it was a loophole that needed to be addressed.

Joe Valenzuela, Sacramento Police Department, and Steve Leibrock, Sacramento County Sheriffs Department, both chose not to make any comments.

Greg Jeffries, Security Guest Services/Fashion Fair, commented that while his security officers are considered proprietary private security officers, his company has always required their personnel to have a guard card.

Cathy Kester, Department of Justice (DOJ), stated that the Bureau's fingerprint submissions have increased by 13% over last year. Most of the increase came from armed guards and armed private investigators. Ms. Kester informed the committee that there was a problem with the transmission of information to the FBI for anyone who live scanned during May 7-14, 2008. A delay will result for anyone who had a live scan done during that period. Ms. Kester also informed the committee of a ballot initiative which proposes to place a lot more people in diversion programs. If these people successfully complete the program, their conviction information will not be released. Therefore, when DOJ sees that an applicant has been referred to a diversion program, they will have to call the court to learn if the program was successfully completed before releasing any information on the individual. This will cause a higher number of delays when an individual applies for a license or registration with the Bureau.

John Brueggeman, California Locksmith Association (CLA), stated that a month ago he had the opportunity to go to Detroit, Michigan with other representatives from the national locksmith industry. They met with auto manufacturers to inquire about the possibility of requiring locksmiths in the auto industry to be licensed. He stated that currently only fourteen out of the fifty states in the U.S. have licensing requirements for locksmiths.

Nick Savala, California Association of Licensed Investigators (CALI), stated that he was also concerned about the meal and break period problems Mark Miller mentioned. Mr. Savala acknowledged SB 1282 had a lot of support and passed the Senate Appropriations Committee. He also stated that the examination rewriting process had been very educational. The rewrite was also necessary due to enactment of new laws and to update the original verbiage in the Private Investigator's Act.

### **Public Comments**

Francie Koehler pointed out that there were many commonalities on issues within each industry and it would be beneficial for everyone to work together to resolve these issues.

### **Adjournment**

Chief Johnson thanked everyone for attending and noted that there were still things that need to be worked on. He also stated that the Bureau has the support of Consumer Affairs' Executive Staff and will continue to move forward. Chief Johnson thanked the guest speakers and adjourned the meeting at 12:40 pm.